

Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAY 23 PM 4:35

CLERK, US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES,

Plaintiff,

VS

VS.

TEPI-NORTE MEX-CITY;
FRANCISCO CHAVEZ; CHRISTINA
CHAVEZ; ROBERTO BARNET dba
OLD COTIJAS and DOES 1
THROUGH 10, Inclusive,

Defendants.

SUMMONS IN A CIVIL ACTION
on First Amended Complaint
Case No. 08 CV 0454 H (LSP) ~~CLERK~~ DEPUTY

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEY

Amy B. Vandeveld, Esq.
LAW OFFICES OF AMY B. VANDEVELD
1850 Fifth Avenue
San Diego, CA 92101
(619) 231-8883

An answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

K. HAMMERLY

By

, Deputy Clerk

MAY 23 2008

DATE

Summons in a Civil Action

Page 1 of 2

AMY B. VANDEVELD, ESQ.
LAW OFFICES OF AMY B. VANDEVELD
SAN DIEGO CA 92101
619-231-8883
Attorney for : KAREL SPIKES

Ref. No. : 0297932-01
Atty. File No. : 08CV0454H(LSP)

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : TEPI-NORTE MEX-CITY, et al.

Case No.: 08CV0454H(LSP)

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL ACTION; FIRST AMENDED CIVIL COMPLAINT; NOTICE AND ORDER FOR EARLY NEUTRAL EVALUATION CONFERENCE; ANSWER TO CIVIL COMPLAINT
3. a. Party served : ROBERTO BARNET dba OLD COTIJAS
b. Person served : MR. MANUSE, MANAGER/PERSON IN CHARGE
(HISP/F/65YRS/5'8"/160LBS/BRN EYE/BLK HR)
4. Address where the party was served 4988 IMPERIAL AVE.
SAN DIEGO, CA 92113 (Business)
5. I served the party
b. **by substituted service.** On May 30, 2008 at 01:00 PM I left the documents listed in item 2 with or in the presence of MR. MANUSE, MANAGER/PERSON IN CHARGE, HISP/F/65YRS/5'8"/160LBS/BRN EYE/BLK HR
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (4) a **declaration of mailing** is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.
6. The "Notice to the person served" (on the summons) was completed as follows:
 - c. on behalf of: ROBERTO BARNET dba OLD COTIJAS
under [xx] CCP 416.90 (authorized person)
7. **Person who served papers**
 - a. RODRIGO LORA
 - b. KNOX ATTORNEY SERVICE, INC.
2250 Fourth Avenue
San Diego, California 92101
 - c. 619-233-9700
 - d. Fee for service: \$53.75
 - e. I am:
 - (3) a registered California process server
 - (i) an independent contractor
 - (ii) Registration No.: 479
 - (iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 6, 2008

Signature: _____

RODRIGO LORA

AMY B. VANDEVELD, ESQ.
LAW OFFICES OF AMY B. VANDEVELD
1850 5TH AVE.
SAN DIEGO CA 92101
619-231-8883
Attorney for : KAREL SPIKES

Ref. No. : 0297932-01
Atty. File No. : 08CV0454H(LSP)

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : TEPI-NORTE MEX-CITY, et al.

Case No.: 08CV0454H(LSP)
**DECLARATION REGARDING
DILIGENCE**

I received the within process on 05/28/08. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served ROBERTO BARNET dba OLD COTIJAS

Business : 4988 IMPERIAL AVE., SAN DIEGO CA 92113

Attempts to effect service are as follows:

05/28/08 04:10P Attempted service at business; subject not in
05/29/08 07:52A Attempted service at business; subject not in
05/30/08 01:00P Attempted service-effected substitute service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 6, 2008

Signature: _____

RODRIGO LORA

LAW OFFICES OF AMY B. VANDEVELD
1850 5TH AVE.
SAN DIEGO CA 92101
619-231-8883

Ref. No. : 0297932-01
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UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : TEPI-NORTE MEX-CITY; et. al.

Case No.: 08CV0454H(LSP)
DECLARATION OF MAILING

RE: ROBERTO BARNET dba OLD COTIJAS

I am a citizen of the United States and am employed in the County of SAN DIEGO, State of California. I am over 18 years of age and not a party to this action. My business address is
2250 FOURTH AVENUE, SAN DIEGO CA 92101

On June 5, 2008 I served the within documents:

SUMMONS IN A CIVIL ACTION; FIRST AMENDED CIVIL COMPLAINT; NOTICE
AND ORDER FOR EARLY NEUTRAL EVALUATION CONFERENCE; ANSWER TO CIVIL
COMPLAINT

On the party in said action, by mailing a true copy thereof (by first-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

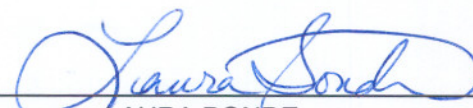
ROBERTO BARNET dba OLD COTIJAS

4988 IMPERIAL AVENUE
SAN DIEGO, CA 92113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 5, 2008 at SAN DIEGO, California.

Signature: _____


LAURA BONDE

DECLARATION OF MAILING